UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/526,530	03/02/2005	Terry Wayne Lockrige	PU020414	5338

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Thomson Licensing LLC
P.O. Box 5312
Two Independence Way
PRINCETON, NJ 08543-5312

EXAMINER
LEWIS, JONATHAN V

ART UNIT	PAPER NUMBER
2425	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

		Application No.	Applicant(s)
Office Action Summary		10/526,530	LOCKRIGE ET AL.
		Examiner	Art Unit	
		JONATHAN LEWIS	2425	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>27 May 2009</u>.

2a) ☐ This action is **FINAL**.　　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1,2,4-8,10-12,14-18 and 20_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1,2,4-8,10-12,14-18 and 20_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>02 March 2005</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☒ All　b) ☐ Some * c) ☐ None of:

　　　1. ☒ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　 application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by
another filed in the United States before the invention by the applicant for patent or (2) a patent
granted on an application for patent by another filed in the United States before the invention by the
applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

Claims 1-2, 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated

by Flickinger (US PG Pub. No. 2001/0032333).

Regarding claim 1 (currently amended), Flickinger teaches a method for

providing a program guide (Abstract), the method comprising the steps of: acquiring

program guide data from a content provider (page 1, 0002 discloses receiving the IPG

from the provider); locally storing the acquired program guide data (page 1, 0002

discloses the IPG stored locally in the set top box); transmitting a subset of the locally

stored program guide data to a remote terminal (page 2, 0007; page 3, 0025 discloses

the subset of IPG advertisements stored locally); receiving a request for an update to

the subset from the remote terminal, wherein the update request is generated <u>by</u>

<u>the remote terminal in</u> response to a channel change (page 5, 0039 discloses updated

the advertisement due to a channel change); accessing the locally stored program

guide to create the requested update (page 5, 0039); and transmitting the update to the

remote terminal (page 5, 0039).

   Regarding claim 2, Flickinger teaches the method claim 1, wherein the remote

terminal is a set top box (page 2, 0007).

   System **claims 11-12** are rejected for the same reasons as stated above in the

corresponding method claims.

Claim Rejections - 35 USC § 103

   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

   Claims 4-6, 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Flickinger (US PG Pub. No. 2001/0032333) in view of Aristides et al. (US Pat.

No. 5,630,119).

   Regarding claim 4, Flickinger teaches all the claim limitations as stated above,

except the subset of the locally stored program guide data contains channel IDs for all

the channels in the locally stored program guide and detailed program information for

one of the channels in the locally stored program guide.

   However, Aristides et al. teaches the subset of the locally stored program guide

data contains channel IDs for all the channels in the locally stored program guide and

detailed program information for one of the channels in the locally stored program guide

(col. 3, lines 37-44 discloses the channels stored containing channel IDs, a particular

arrangement where the channel IDs are their numbering as shown in Fig. 2, and it

stores detailed information).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify the subset of local program data disclosed in Flickinger to include channel IDs, in order to minimize the amount of data that is needed to update the program guide from the service provider, which saves valuable bandwidth and network resources.

Regarding claim 5, Flickinger teaches all the claim limitations as stated above, except the steps of: periodically acquiring updates to the program guide data from the content provider; and altering the locally stored program guide data such that the locally stored program guide conforms to the updates.

However, Aristides et al. teaches the steps of: periodically acquiring updates to the program guide data from the content provider (col. 6, lines 20-43); and altering the locally stored program guide data such that the locally stored program guide conforms to the updates (col. 6, lines 20-43).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify the program guide disclosed in Flickinger to periodically update and alter the locally stored program guide, in order to ensure the user has the most up to date programming choices available, while relieving network congestion by sending these periodic updates when network traffic is the smallest.

Regarding claim 6, Flickinger teaches all the claim limitations as stated above, except the step of: transmitting a new subset to the remote terminal if an update received from the content provider altered data in the locally stored program guide data that was included in the subset previously transmitted to the terminal.

However, Aristides et al. teaches the step of: transmitting a new subset to the remote terminal if an update received from the content provider altered data in the locally stored program guide data that was included in the subset previously transmitted to the terminal (col. 6, lines 20-43).

System **claims 14-16** are rejected for the same reasons as stated above in the corresponding method claims.

Claims 7-8, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Flickinger (US PG Pub. No. 2001/0032333).

Regarding claim 7 (currently amended), Aristides et al. teaches a method of providing a program guide (Abstract), the method comprising the steps of: allocating a cache memory for storage of a subset of program guide data (col. 6, lines 20-26); acquiring the subset of program guide data (col. 6, lines 20-61); storing the subset of program guide data in the cache memory (col. 6, lines 20-61); and processing the stored subset of program guide data to create a program guide (col. 6, lines 20-61; Fig. 2).

Aristides et al. teaches all the claim limitations as stated above, except receiving a channel change request from a client; requesting a second subset of program guide data in response to the channel change request; receiving the second subset of program guide data; and storing the second subset of program guide data in the cache memory.

However, Flickinger teaches receiving a channel change request from a client (page 5, 0039); requesting a second subset of program guide data <u>in response to the channel change request</u> (page 5, 0039); receiving the second subset of program guide data (page 5, 0039); and storing the second subset of program guide data in the cache memory (page 1, 0002; page 5, 0039).

Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to use, to modify the program guide disclosed in Aristides et al. to allow a channel change request to request a second subset of guide data, IPG ads, to be stored in a local cache memory, in order to allow the service provider to display the most relevant ads with programming that the user deems appropriate and desirable.

Regarding claim 8, Aristides et al. in view of Flickinger teaches all the claim limitations as stated above, except displaying the program guide to a client.

However, Aristides teaches displaying the program guide to a client (Abstract).

System **claims 17-18** are rejected for the same reasons as stated above in the corresponding method claims.

Claims 10 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides et al. (US Pat. No. 5,630,119) in view of Flickinger (US PG Pub. No. 2001/0032333) in further view of Stoel et al. (US Pat. No. 5,905,942).

Regarding claim 10, Aristides et al. in view of Knowles et al. in further view of Wang teaches all the claim limitations as stated above, except the program guide data is remotely stored in a Mini-Headend unit.

However, Stoel et al. teaches the program guide data is remotely stored in a

Mini-Headend unit (Abstract discloses the mini-headend unit, which supplies data to

apartments in a multiple dwelling unit; col. 2, lines 3-24 disclose the storage of the

program data, the interactive menus, within the headend).

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to use, to store the program guide data remotely in a mini-

headend, in order to deliver television programming, on demand movies, and interactive

services to users in a multiple dwelling unit setting.

System **claim 20** is rejected for the same reasons as stated above in the

corresponding method claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

a. Ellis et al. US Pat. No. 5,760,821

b. Huang et al. US Pat. No. 6,437,836

c. Knudson et al. US PG Pub. No. 2002/0120933

d. Wasilewski US Pat. No. 5,418,782

e. Knowles et al. US Pat. No. 6,505,348

f. Wang US Pat. No. 6,675,385

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to JONATHAN LEWIS whose telephone number is

(571)270-3233. The examiner can normally be reached on Mon - Fri 7:30 AM - 5:00

PM.

   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Brian Pendleton can be reached on (571) 272-7527. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/
Supervisory Patent Examiner, Art Unit 2425